

REMARKS

This amendment is responsive to the Official Action dated June 13, 2006.

Claims 1 - 4 were pending in the application.

No claims were allowed.

By way of this amendment, the Applicant has amended the specification and claim 1.

Claims 1-4 remain pending in the application.

Claim Rejections under 35 USC §112, second paragraph:

Claims 1-3 are rejected under 35 USC §112, second paragraph as being indefinite. The Examiner considers that claims 1-3 are rendered vague and indefinite for reciting terms and phrases that are not adequately defined in the specification or claims.

The identified phrases are identified as follows:

1. functional water
2. raw water
3. weight parts
4. aerobic bacteria and facultative anaerobic bacteria which naturally habit in the environment where humus substances exist.
5. “the rest”

Claim 1 has been substantially amended to address the Examiner’s concerns. In particular, special attention was paid toward more clearly identifying the steps of the process and where certain products from each step were being sent.

With regard to defining “functional water”, the specification identifies functional water in paragraph [0013] as water which is “rich in both metabolic products of microorganisms prepared in decomposition of organic substances and resynthesis products such as various vitamins and growth promoting substances, and has antibiotic and antibacterial effects against various resistant bacteria”. It is submitted that this information sufficiently identifies the term “functional water” and renders it definite.

With regard to “raw water”, the applicant has amended the specification and claims to change “raw water” to “untreated water”. “Raw” or “untreated” water, means water as it exists prior to being treated by the method of the present invention.

With regard to “weight parts”, the applicant has amended the specification and claims to change “weight parts” to “parts by weight” as more commonly used in US practice.

Regarding “aerobic bacteria and facultative anaerobic bacteria”, the specific kind of bacteria is not a technical feature of the invention. The technical feature of claim 1 is decomposing the solution by bacteria. Therefore, the specific species of bacteria is not critical to the overall process. In any event, the applicant has amended claim 1 to remove “which naturally habit in environment where humus substances exist” as this phrase is believe to create indefinite meaning as opposed to clarifying. “Aerobic bacteria and facultative anaerobic bacteria” is sufficiently definite for purposes of the present method.

With regard to “the rest”, the applicant has made several amendments to claim 1 to more clearly identify which portions of the step-wise products are being transferred or circulated.

With regard to “first precipitation tank” the applicant has made an amendment to claim 1 to clarify “first” versus “second” precipitation tank.

Reconsideration and withdrawal of the §112 rejections is respectfully solicited.

Claim rejections under 35 USC §102(b):

Claim 4 was rejected under 35 USC §102(b) as being anticipated by Miyashita et al.

The Examiner set forth that the Applicant has claimed “functional water” prepared by a process.

At the time of filing of the application, the Applicant submitted a substitute specification, which included substitute claims. The claims as submitted were published in US2005/0230309. It appears that the Examiner has rejected claim 4 as it appeared in the PCT publication.

If the Applicant is mistaken, and the claims were not officially entered, please consider this as authorization to cancel claim 4 as found in the original PCT and enter a new claim 5 as per the

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claim 4 appearing above, i.e. "The method of claim 2, wherein the activating agent added to the second precipitation is humus soil."

Withdrawal of the §102(b) rejection is respectfully solicited.

The Application is now believed to be in condition for further examination on the merits.

Allowance of the claims is respectfully solicited.

PTO is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our account #02-0900.

Respectfully submitted,

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